



From: Schworer, Philip J. [<mailto:PSchworer@fbtlaw.com>]
Sent: Tuesday, February 04, 2014 12:44 PM
To: Kakade, Seema; Burke, Shaun
Cc: Schworer, Philip J.
Subject: Request for Clarification of the Shakedown Period Duration

Seema and Shaun,

We need some clarification assistance for the San Juan SNCR.

Appendix A, paragraph 10, of the consent decree states that the shakedown period between control equipment installation and initiating the Optimization Protocol is “not to exceed 90 days.” Shakedown of the control technology requires us to operate that equipment; therefore, we believe it was the intent to allow for 90 **operating** days for shakedown. This is an important question since the anticipated 2014 operating schedule for San Juan is expected to include some extended shutdowns in the first half of the year. Can you please confirm that the expectation would be not to exceed 90 operating days for the shakedown? Thanks. Phil.

Philip J. Schworer

Member | **Frost Brown Todd LLC**

7310 Turfway Road, Suite 210 | | Florence, KY 41042

859.817.5903 Direct | 859.817.5900 Main | 513.484.5160 Cell

pschworer@fbtlaw.com | www.frostbrowntodd.com-

NOTICE: This electronic mail transmission is for the use of the named individual or entity to which it is directed and may contain information that is privileged or confidential. It is not to be transmitted to or received by anyone other than the named addressee (or a person authorized to deliver it to the named addressee). It is not to be copied or forwarded to any unauthorized persons. If you have received this electronic mail transmission in error, delete it from your system without copying or forwarding it, and notify the sender of the error by replying via email or by calling Frost Brown Todd LLC at (513) 651-6800 (collect), so that our address record can be corrected.

IRS Circular 230 disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal

Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.
